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Contact: Rob Marus, Communications Director: (202) 724-5646; robert.marus@dc.gov
Andrew Phifer, Public Affairs Specialist: (202) 741-7652; andrew.phifer@dc.gov

Attorney General Racine Joins Multistate Effort Seeking End to Congressional Interference with States' Exxon Investigation

Coalition Claims Congressional Committee Is Exceeding Its Authority and Threatening State Sovereignty

WASHINGTON, D.C. – Attorney General Karl A. Racine joined a coalition of attorneys general across the country to urge Rep. Lamar Smith, Chairman of the House Committee on Science, Space and Technology, to end his inquiry into investigations being conducted by the states of Massachusetts and New York into possible securities and consumer protection law violations by the ExxonMobil Corporation. Led by Maryland Attorney General Brian E. Frosh, the letter, dated August 11, 2016, was also signed by attorneys general from California, Connecticut, Hawaii, Maine, Mississippi, Oregon, Rhode Island, Vermont, Virginia and Washington.

In an attempt to thwart the independent investigatory powers of the States, Congressman Lamar Smith, who is also the Chairman of the Committee on Science, Space and Technology, issued a series of letters to the attorneys general of New York, Massachusetts, the District of Columbia and others requesting that each jurisdiction produce any and all documents pertaining to any ongoing investigations into the oil giant, Exxon. The jurisdictions refused and Chairman Smith then issued subpoenas, without a Committee vote, to Massachusetts and New York.

In the letter, the coalition calls on Congressman Smith to withdraw his subpoenas, and states: “Your interference in our colleagues’ work ignores a ‘vital consideration’ under our constitutional system of dual sovereignty: the preservation of comity between the federal government and the states.... Any claim of a congressional right to ‘oversee’ the work of state constitutional law enforcement officers in fulfilling their core responsibilities under state law disrupts this comity and tears at the essential fabric of our national Constitution.”

“The attorneys general from Massachusetts and New York have a duty to protect the citizens of their respective states, which includes investigating and, where appropriate, bringing suit to curb potentially

fraudulent behavior that harms the public,” said Attorney General Racine. “The Committee’s attempt to hinder independent investigations in these states impinges on that obligation and does not serve the public interest.”

The letter also states: “In light of our nation’s commitment to the preservation of a system of dual sovereignty, it is not surprising that, despite centuries of investigative and prosecutorial activity by state attorneys general in which constitutional objections have been raised, you have not identified a single valid precedent, from any period of our country’s history, for the ‘vigorous oversight’ of state attorneys general that you are now proposing to take.”

On August 9, 2016, a coalition of attorneys general from Maryland, New York, Illinois, Iowa, Maine, Minnesota, Mississippi, New Mexico, Oregon, Rhode Island, Vermont, Washington, the District of Columbia and the U.S. Virgin Islands filed an amicus brief before the U.S. District Court for the Northern District of Texas in opposition of a Motion for Preliminary Injunction for Exxon, after Exxon filed a complaint against Massachusetts Attorney General Maura Healey citing violation of First Amendment rights. A full copy of the Amicus filing can be found here: https://www.oag.state.md.us/Press/ExxonVHealey_Amicus.pdf.

A full copy of the letter can be found here: https://www.oag.state.md.us/Press/Lamar_Smith_letter.pdf.

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